

EPI-00311

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Nyce J, W. : Docket No: EPI-00311  
Serial. No.: : Group Art Unit: 1617  
Filing Date: : Examiner: Dr. S. Jiang  
For: COMPOSITIONS & FORMULATIONS WITH AN EPIANDROSTERONE OR  
A UBIQUINONE & KITS & THEIR USE FOR TREATMENT OF ASTHMA  
SYMPTOMS & FOR REDUCING ADENOSINE/ADENOSINE RECEPTOR LEVELS

#5A  
u.u  
3/1/02**RESPONSE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir/Madam:

**1 - Restriction Response**

Responsive to the Communication of September 25, 2001, applicant elects, with traverse, the invention designated by the examiner as Group 1. However, in view of the present amendments, the examiner is requested to also examine the dependent claims of Group II (in fact not a separate group now), and join the method of use claims upon a finding of allowable subject matter. In addition, the applicant elects COPD for searching purposes only.

**2 - Amendment**

Please amend the claims as indicated in the attachments.

**REMARKS****1 - The Restriction Request**

The examiner required restriction under 35 USC 1.121, to one of the following groups of claims.

## MEMORY TRANSMISSION REPORT

TIME : OCT-24-01 03:18PM  
TEL NUMBER:  
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FILE NUMBER : 679  
DATE : OCT-24 03:12PM  
TO : 917033084556  
DOCUMENT PAGES : 19  
START TIME : OCT-24 03:12PM  
END TIME : OCT-24 03:18PM  
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FILE NUMBER : 679

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**FAX COVER SHEET**

To: Dr. S. Jiang Company: US FTO GAU 1617 Fax No: 703-306-4556

From: Viviana Amzel Date: 10/24/01 Time: \_\_\_\_\_  
Direct Dial: (409) 609-3035 E-Mail: vamzel@epigenes.com  
Pages including this: 21 Ref. No.: USN 09/841,426 (EPI-00311)

**COMMENTS**

Enclosed are a Response, and the marked-up and clean claims. Thanks.

**CONFIDENTIALITY NOTICE**

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**FAX COVER SHEET**

TO:  
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COMPANY:  
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FROM: Viviana Amzel *VA* DATE: 02-20-02 TIME: \_\_\_\_\_

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TOTAL NO. OF PAGES: 20 Our Reference No.: EPI-00311  
(including cover page) US SN. 09/841,426

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**COMMENTS**

Re: Serial No. 09/841,426 ; Filed April 24, 2001

Enclosed please find the following:

- 1) Response
- 2) Claims (marked up)
- 3) Claims (clean)
- 4) Cover Sheet
- 5) Successful Fax Transmission Sheet dated October 24, 2001.

I am refaxing all the documents mentioned above, for your necessary action. The enclosed fax transmission sheet shows that these documents were faxed on October 24, 2001.

**OFFICIAL**

FEB 21 2002  
GROUP 1600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1617  
Serial No.: 09/841,426 : Examiner: Dr. S. Jiang  
Filed: April 24, 2001 : Appl. Ref. No.: EPI-00311  
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &  
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH  
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

**COVER SHEET**

Assistant Commissioner for Patents  
Washington, D.C. 20231

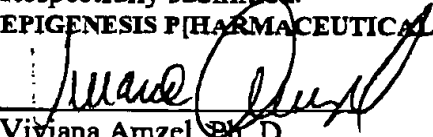
Sir/Madam:

Enclosed for filing are the following:

1. Response
2. Claims (marked up)
3. Claims (clean)
4. This cover sheet
5. Fax Cover Sheet

<sup>24</sup>  
October 25, 2001  
Date

Respectfully submitted.  
EPIGENESIS PHARMACEUTICALS, INC.

  
Viviana Amzel, Ph. D.  
Reg. No. 30930  
Attorney for Applicant(s)

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I hereby certify that this correspondence is being faxed at  
703-305-7939, to the Assistant Commissioner for Patents,  
Arlington, VA 22202, on October 25, 2001, by Rashida Haji.

  
SIGNATURE

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